

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

---

**EDWARD BARBER,**

**Petitioner,**

**v.**

**9:11-CV-0127 (NAM/DEP)**

**RUSSELL PERDUE, Warden,<sup>1</sup>**

**Respondent.**

**APPEARANCES:**

**OF COUNSEL:**

**EDWARD BARBER  
56425-054  
Atlanta U.S. Penitentiary  
P.O. Box 150160  
Atlanta, Georgia 30315  
Petitioner, *pro se***

**HON. RICHARD S. HARTUNIAN  
United States Attorney, N.D.N.Y.  
P.O. Box 7198  
100 S. Clinton Street  
Syracuse, New York 13261-7198  
Counsel for Respondent**

**CHARLES E. ROBERTS, ESQ.  
Assistant U.S. Attorney**

**NORMAN A. MORDUE, U. S. DISTRICT JUDGE**

**ORDER**

The above matter comes to me following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed on the 9<sup>th</sup> day of November 2012. Following fourteen (14) days from

---

<sup>1</sup> In his petition, Barber named Deborah Schult, who, at the time Barber commenced this action, served as the warden at the Ray Brook Federal Correctional Institution ("FCI Ray Brook"), as a respondent. Because publically available information discloses that Russell Perdue became the warden at FCI Ray Brook in February 2011, he is now the appropriately named respondent, and the clerk of the court is respectfully directed to adjust court records to reflect this change.

the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The petition in this matter is denied and dismissed in all respects.
3. The petitioner has failed to make a substantial showing of a denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2); accordingly, no certificate of appealability shall issue.
4. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

**IT IS SO ORDERED.**

Dated: November 30, 2012  
Syracuse, New York

  
Honorable Norman A. Mordue  
U.S. District Judge